

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CAROL H.¹

Plaintiff,

1:22-cv-112 (BKS/ML)

v.

KILOLO KIJAKAZI, Acting Commissioner of Social
Security,²

Defendant.

Appearances:

Plaintiff Pro Se:

Carol H.
Pottersville, NY 12860

For Defendant:

Carla B. Freedman, United States Attorney
Hugh Dun Rappaport, Special Assistant United States Attorney
Social Security Administration
Office of General Counsel
6401 Security Boulevard
Baltimore, MD 21235

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Carol H. filed this action under 42 U.S.C. § 405(g) seeking review of a decision by the Commissioner of Social Security (the “Commissioner”) finding that Plaintiff, who was previously found to be disabled, was no longer disabled as of April 9, 2019. (Dkt. No. 1). This matter was referred to United States Magistrate Judge Miroslav Lovric for a Report and

¹ In accordance with the local practice of this Court, these names have been abbreviated to protect their privacy.

² Pursuant to Fed. R. Civ. P. 25(d), the current Acting Commissioner of Social Security, Kilolo Kijakazi, has been substituted in place of her predecessor, Commissioner Andrew Saul.

Recommendation. (Dkt. No. 4); N.D.N.Y. L.R. 72.3(d). On February 3, 2023, after reviewing the Commissioner's brief and the Administrative Record, (Dkt. Nos. 14, 21), Magistrate Judge Lovric issued a Report and Recommendation recommending that the Commissioner's decision be affirmed and Plaintiff's complaint be dismissed.³ (Dkt. No. 24). Magistrate Judge Lovric advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the Report and Recommendation, and that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 22). Neither party filed an objection to the Report and Recommendation.

As no objection to the Report and Recommendation has been filed, and the time for filing objections has expired, the Court reviews the Report and Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report and Recommendation for clear error and found none, the Court adopts the Report and Recommendation in its entirety.

For these reasons, it is hereby


ORDERED that Magistrate Judge Lovric's Report and Recommendation (Dkt. No. 24) is **ADOPTED**; and it is further

ORDERED that the Commissioner decision is **AFFIRMED**; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**.

IT IS SO ORDERED.

Dated: February 22, 2023
Syracuse, New York


Brenda K. Sannes
Chief U.S. District Judge

³ Despite several clear reminders and extensions by the Court, Plaintiff failed to file a brief in support of her case. (*See* Dkt. Nos. 16–17, 20).